THE NEW YORK PRESS.

F. ITORIAL OPINIONS OF LEADING JOURNALS UPON CURRENT TOPIOS.

CONFILED EVERY DAY FOR EVENING TREFGRAPH.

Executive Power.

From the Tribune.

The tendency of the present discussion upon the limitations of executive power goes to show that in many respects it is an open question. In the early history of the country, it was contended by leading statesmen that the power of removal and appointment was jointly held by the Senate and the Executive, just as the treatymaking power is now held. In those days, however, our national politics had not been degraded to the base uses of making Government service the reward of political subserviency. It was reserved for President Jackson to give the Constitution a violent interpretation-to assume that his personal will should govern every official selection; that men who had served the nation faithfully, who bore the scars of honorable battle, should be dismissed from the nat onal service because they did not share his opinions about the honesty of Nicholas Biddle, or the virtse of Mrs. Timberlake. The Democratic domination was too grad to accept the imperious will of this resolute sian as an element or political strength—to recognize as an axiom the debasing sentiment that "to the victors belong the spoils." The abuse has been tole-ra'ed, partly because the power has never until now seriously menaced the Union, and partly because it was a pleasant abuse in the hands of power. Power never wishes to tie its hands nor

to invent restrictions.

Now, however, when we are reconstructing the Union, and remodelling the essential conditions of government, it is proper to look into this guestion of Executive appointment. President Johnson expresses great sympathy with precedents so far as they control his enemies. and equal sympathy with new interpretations when they answer his own views. He has made the Presidency a "Tribune," and finds warrant for exercising tribunitial powers. It is, perhaps, a tribunitial exercise of power to remove men from office who do not indorse certain views upon reconstruction, and to strengthen the hands of the enemies of Congress by consulting their wishes in disposing of revenue and diplomatic appointments. President Jackson thought so. President Jackson was good authority on Indian and military matters. question of constitutional law we prefer other

The Constitution declares that the "President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session." Mark the words "may happen!" The Constitution here specifies the only case in which the President may exercise the absolute power of appointment. In plain words, if the President believes that an officer is incompetent or dishonest, he can no ninate a successor and submit to the Senate such nomination, in order that he may have their "advice" upon the incumbent's unitness, and their "consent" to a change. This Senatorial limitation was the thought of Alexander Hamilton. In Hamilton's first proposition of a Constitution, submitted to the Convention on the 18th of June, are these words:-"To have the appointment of the heads or chief officers or the departments of finance, war, and foreign affairs-to have the nomination of all other officers (ambassadors to foreign nations included) subject to the approbation or rejection of the Senate.

This provision was modified, in his full plan of a constitution, to read: - "He shall have the ap-pointment of the orincipal or chief officer of each of the departments of war, naval affairs, finance and foreign affairs, and shall have the nomination, and by and with the consent of the Senate, the appointment of all other officers to be appointed under the authority of the United States, except such for whom different provision is made by this Constitution; and provided, that this shall not be construed to prevent the Legislature from appointing by name, in their laws, persons to special and particulars trusts created in such laws; nor shall be construed to prevent principals in offices merely ministerial from constituting deputies. In the recess of the Senate, he may fill vacancies in offices by appointments, to continue in force until the end of the next session of the Senate; and he shall commission all officers." The committee (Mr. Hamiiton, a conspicuous member) digested this plan into the second section of the second article: -

"The President shall have power to fill up all vacancies that may bappen during the recess of the Senate by granting commissions, which shall expire at the end of their next session."

Hamilton defended his doctrine of Senatorial advice elaborately, showing the good toat would come from the "co-operation of the Senate in the business of appointments," and contending "that it would contribute to the stability of the Administration." "The consent of that body" he adds (and our readers will observe the emphasis). "would be necessary to displace as well as to appoint. A change of the Chief Magistrate, therefore, would not occasion so violent nor so general a revolution in the officers of the Government as might be expected if he were the sole dis-poser of offices." This doctrine, that the con-sent of the Senate is necessary to "displace as as well as to appoint," was admitted in the early times. Hamilton was not given to euphemistic phrases, and his meaning was plain. When Mr. Madison asser ed the modern interpretation in 1789, he was assailed. "What," said a Virginia member, "what, authorize in a free republic, by law, too, by your first act, the existence of a dangerous royal prerogative in your Chief Magistrate! When honor and virtue ought to be the support of your Govern-ment, will you infuse and cherish meanness and servility in your chizens, and insolence and arbitrary power in your Chief Magistrate? Does increasing the power and multiplying the dependants of the President diminish his re ponsi bility?" The Senate ruled otherwise by the casting vote of Mr. Adams, who always favored a strong Government. Mr. Hamilton accepted the fact that his construction had been rejected by the Legislature, and that "it was settled in practice that the power of displacing belongs exclusively to the President." He never, how-ever, changed his own construction of the article Ten years later, during his Presidence, the elder Adams wrote thus to the Secretary of War: . It is not upon the act of the ad of March ultimo,

that I ground the claim of an authority to appoint the officers in question, but upon the Constitution itself. Whenever there is an office that is not full, there is a vacancy, as I have ever understood the Constitution.

General Hamilton was consulted by the Secre-

tary, and replied:-'After mature reflection on the subject of your letter of the 28th of last month, I am clearly of opinion that the President has no power to make alone the appointment of officers to the battalion which is to be added to the Second Regiment of which is to be added to the Second Regiment of Artillerists and Engineers. In my o, inion, vacancy is a relative term, and presupposes that the office has been once filled. It so, the power to fil a vacancy is not the power to make an original appointment. The terms that may happen' serve to confirm this construction. They imply casualty, and denote such offices as having once been filled, have become vacant by accidental circums ances. This at least, is the most familiar and obvious sense; and in a matter of this kind it could not be advisable to exercise a doubtful authority. It is clear advisable to exercise a doubtful authority. It is clear that independent of the authority of a special law, the President cannot fill a vacancy which happens during a assum of the Sereste? happens during a session of the Senate. The President yielded, and a special law was

Having thus shown the spirit of the constitu-tional article on Executive appointments, we think it wise to return to that spirit and reverse the early decree of the Senate on the question of removal—a decree which has in those latter years produced perniclous results. The con-struction of Mr. Adams was not intended to arrogate to the Presidential office a royal prero-gative. Presidents in that time telt that their

powers were for the general welfare, not for the creation of political compacts. "What," said Jefferson, "remove my old friend because he opposes me and admits Burr! I would rather tivide my last hoe-cake with him." Mea should not be placed in office as a favor but to do
thice work—to labor for their daily bread.
Competency and faithfulness are the only essentials. Opinion in politics should be of as little moment as opinion in religion.

Is the War to be Renewed?-Change in the Basis of Representation.

From the Times.

Mr. Robert Dale Owen, in a letter recently published, declared that "the North would renew the war to morrow," rather than endure the inequality of representation in proportion to voters which the Constitution now gives the Southern States in consequence of the destruction of slavery. He reassirms this opinion in a reply to our comments upon this declaration. But we see nothing in the reasons by which he supports it to render it even plausible.

Mr. Owen presents this inequality as a case of intolerable tyranny, which, be thinks, the North will resent and resist in force, unless it is given up. But Mr. Owen must be aware that it is nothing new. It has existed from the very be ginning of the Government. The Constitution made population, and not voters, the basis and of representation. This is all there is of it. It has always been the fundamental law of the land, that every State should have representatives in proportion to its aggregate population, and not simply in proportion to those of its people who are permitted to vote.

in New York allens are not allowed to rote, but they are counted in deciding the number of representatives to which the State is entitled. In Massachusetts, nobody can vote except those citizens of the United States who can read and write—yet aliens as well as natives, who can do neither, are counted in the basis of representation. In Illinois and other Western States, negroes are not allowed to vote, yet they are counted in fixing the num-ber of their representatives. And precisely the same thing, and nothing more, is true in South Carolina and in Georgia. The number of their representatives depends upon their aggregate pulation, not upon the number of their voters. This is a constitutional provision, applicable to all the Stater alike, and not to the Southern States alone. It has always been so, except that while slavery existed only three-fifths of that part of the population who were slaves were counted in determining the basis of representation—this distinction has been abrogated by the destruction of slavery. But, owing to the fact that a larger portion of their population are not voters at the South than at the North, the South has more representatives in preportion to voters than the North. But the Constitution never based representation upon voters at all. The number voters has never hitherto had anything whatver to do with the number of representatives. That leature has never yet been engraffed upon our system of government. The people adopted the Constitution without it, and Congress never yet even proposed that it should be smended in this particular.

Now we cite these facts—not as showing that no amendment is needed—but as showing that the North is not likely to "renew the war" less an amendment is now made for which it has never hitberto thought it worth while even to ask. Mr. Owen's opinion on this point seems to us simply absurd. We believe the people of the North desire such an amendment. They would gladly see representation based on voters, instead of on population, as heretofore; because it would give them a relative increase of power, by diminishing the representation of the Southern States. But the representation which those States now enjoy is distinctly and expressly conferred upon them by the Constitution. They hold it by precisely the same title which gives us our right-the same precisely which give to any State any representation at We would like this changed; but to say that "the North will renew the war" unless it is

changed, is to talk nonsense.

But Mr. O en says that unless we make this change a condition precedent to any representation of the South in Congress, we can never secure it. Possibly that may be true, but it affords no reason for "renewing the war." Nor, in our judgment, does it afford any reason for exacting this condition. If we require that condition we may require any other; that and it simply treating the Southern States as so many conquered provinces, outside the provisions of the Constitution altogether. We do not hold, we say in reply to Mr. Owen's question, that the war, or the victory, or the cost of battle, has given our Government the right to discard the restrictions which the Constitution imposes upon its power, or to change one of the clearest and most explicit of its clauses in any other mode than the one pointed out for its own

amendment.

Mr. Owen says that by refusing to exact this change as a condition of admission to represen-tation in Congress (which he styles a peaceful, constitutional remedy), we make a 'renewal of the war" on the part of the North necessary and probable, and thus peril the public tranquillity. We do not think so. That amendment can be secured in other ways. It can be secured, in our judgment, if the whole North desires it, by the ordinary course of public action. It involves the surrender of a portion of political power on the part of the South, until they are ready to extend their suffrage. Is not this a case where equivalents may be fairly offered and accepted? And cannot the North much better afford equiva-lents which shall secure the end, than to seek same end by a "renewal of the war?" tainly the resources of statesmanship ought to be equal to the solution of such a problem. Let Mr. Owen turn his attention to other means than legislative coercion, or a "renewal of the war," and see whether he cannot think of some bette scheme for remedying the inequality which he somewhat exaggerates, but of which he justly

Our Fall Elections-The Coming Political

From the Herald, Revolution. The public mind of the Northern States is ripe for a political revolution in our approaching tall elections. The people are ready. They need only the active organization of a national Johnson Union movement to bring them into line. The enthusiastic Johnson meeting held in Philadelphia on Saturday evening last, and the spirited popular gathering on the same night and the same platform at Westminster, Maryland, of Republicans and Pemocrats, show how the tide is drifting. The people are spontaneously falling in with President Johnson's policy. and they need only a little active work in the way of organization to put an end to the factious and in practicable doings of the present Con-

gress in the elections for the next. Congress has been nearly six months in session, and what has it done in the way of Southern reconstruction and restoration? It has given us the scheme of the Joint Committee of ratteen which is now before the Senate-a scheme the man, lest purpose of which is the exclusion of the lately rebellious States from the coming Presidential election, and their indefinite exclusion from the two Houses. This scheme is ingeniously covered up with the lead-ing measures of President Johnson's policy; but the issue remains substantially the same. President's policy is Southern restoration to a voice in the Government; the policy of Congress is Southern exclusion. This is the issue which will be submitted to the people in our approaching September, October, and November elections; and upon this issue, we say, the public mind of the North is ripening for a great residual resolution.

political revolution. Between the o-called conservative Republicans and the Democrats in Congress we ought to have had ere this the downtall of Thaddeus Stevens. These two opposing factions, possessing, if combined, a majority against him, have each, to suit their factious purposes, played into his hands. The Democrats in Congress are mostly, it not all, of the Copperhead tribe, miserable tricksters or desperate revolutionists, whose tactics would disgrace the rowdles of a

New York Democrat's primary election. The conservatives of the House of Representatives are more playthings in the hands of Stevens.

He is amused when they speak in support of the Administration, for he has tried them, and knows that at the crack of his whip they will be dumb and submissive. Trescherous or tem-porizing Copperheads and conservatives have less respect for each other than for Stevens, and thus he uses the one faction or the other as occasion may serve him. The radical faction rule Congress because they are united, bold, and aggressive. Their purposes may be bad, their measures may be vicious and revolutionary; but in their light they show those running of the server of qualities of courage, skil!, tenacity, and energy which invariably command respect, and give even to a bad cause more or less of popular

Thus the President has failed in Congress to secure a party capable of accomplishing any-thing. His professed and noisy adherents have their own axes to grind, their own selfish or paltry party purposes to serve, and they are, like Joseph's coat, of many colors. Hence, against the Radicals the opposition elements of Congress are as powerless as so many squads of bush wackers against the advances of a regular army. Hence the necessity of a bold aggressive movement from what Stevens calls "the other end of the avenue." President "the other end of the avenue." President Johnson must advance his standard, in view of an appeal from Congress to the people. He can no this by a reconstruction of his Cabinet, from the Secretary of State down to the Attor-ney-General. Let him try the experiment, and give us a new Cabinet from the leading heroes of the war-soldiers, sailors, and civiliansand the Umon war party will rally around him and his policy. This is the way to commence an effective organization of a National Johnson Union party, and in view of a wholesome revolution in our fill elections. Meantime we would suggest the propriety and advantages of a Johnson Union meeting in this metropolis, to strengthen the President's hands, and to encourage him to take the initiative against his enemies, not forgetting the decisive step of a implete reorganization of his Cabinet.

The Law of War.

From the Daily News We learn from a city contemporary that Dr. Bluntschli, a Heidelberg Professor, has just published a treatise on the "Modern Law of War," which is to be translated by Dr. Lieber, and is destined possibly to figure largely in those discussions of abstract rights to which wars always give rise. But the experience of the last four years has greatly modified our estimate of the value of treatises upon the rights and duties of beligerents. Men are very willing, in time of peace, to admit that belligerents have certain rights which ought to be respected; that they owe certain duties to their antagonists which they are bound by every obligation of honor to perform. As long as war is a mere abstract question, a e respect is cheerfully accorded to rights of persons and property, and the law of nations seems to be a very beautiful system, based on the immortal principles of trath and justice, radiant with the light or humanity and glowing with catholic benevolence. when actual war sweeps over the land, the law of nations turns out to be nothing out sounding brass and a tinkling cymbat. Its theories are too hne spun ter everyday use, and they are quetry put away until there is no further practical use for them. The international held to herself; but when Mars, Bellona, and the rest of the amiable crew take their irond Carnage out for a jaunt through the country poor little Themis runs away, and her apples, ike those of Sodom, turn to dust and ashes.

We learn from the preface of Doctor Blunts-chil's work that the Articles of War drawn up by Doctor Lieber in 1863, for the use of the armies or the United States, form at once the basis and the model of the work. If this code of Dr. Lieber's authorizes and justifies the wholesale plundering of private property, the wanton destruction of crops and agricultural implements, the conflagrations, nurgers, and yet darker deeds of infamy, the crucities practised on women and children; in tine, the countless atrocities which marked the progress of Sherman, Stoneman. Milroy, Hunter, and other Generals, Doctor Bluntschli's book will pro-bobly create a sensation in Europe. We suspect, however, that Dr. Lieber's code, which is embalmed in General Order No. 100, published by the War Department in April, 1863, must have been designed rather for show than use; for the German Doctor—bless his innocent heart—commences by saying:—"The law of war has become more humane in the last wars of Europe and America." A little further on, the Doctor, anticipating the possibility of a German war, tervently hopes "that the belligerents will follow the example of America." Alas! for Germany, it they do! No! good Doctor, pray rather, it you are a humane man, that they shall follow rather the example of the Cossacks.

SPECIAL NOTICES.

PARDEE SCIENTIFIC COURSE 138 LAFAYETTE COLLEGE.

In addition to the general Course of Instruction in this Department, designed to lay a substantial basis of knowledge at decholarly culture, students can pursue those branches which are essentially practical and technical viz. those branches which are essentially practical and technical, viz.;—
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For Chemistry apply to President CATTELL, or to Fiot. B. YOUNGMAN, Cierk of the Faculty.

EASTON, Pennsylvania, April 4, 1866.

5 16

TO THE SOLDIERS OF PENNSYL

VANIA.

Harmsburg, May 1 18/6

In obedience to authority vesued in me by a resolution adopted by the Convention of Soldiers held in this city on the cighth day of March 1895. I do hereby request the honorably discharged sodiers of remsylvania to meet in their respective Legislative Districts and elect relegates, not exceeding five in number to represent their district in a Soldiers' Convention, to be held in the city of Pittsburg, on TUESDAY, the fith of June next, as 16 o'clock A. M.

Where any Representative district comprises more than one country, the manner of electing the delegates is respectfully referred to the soldiers of the district for such conference as will result in a fair representation of each country. each county Citizens who have borne arms in defense of the nation

against treason have especial interest in the purposes of this Convenion and it is desirable that as ful a representation of the brave defenders or the country as possible should be secured on this occasion

Late Rrevet Major-General U.S.A.

Papers favorable to the cause will please publish the above.

THE FOLLOWING GENTLEMEN HAVE been duly elected Officers of the PHILADZI-PHIA CHAMBER OF COMMERCE, to serve for the

PHIA CHAMBER OF COMMERCE, to serve for the ensuing year:

FRESIDENT

JOSEPH S. FEROT.

ALEX ANDER G. CATTELL

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(Signed)

SAMULL L. WARD. Treasurer.

Philadelpbia, May 11, 1866

OCCUPATION OF THE COLUMN AND ANNALOS.

OFFICE PORTAGE OIL AND MINING COMPANY, No. 1063 South BROAD Steet, Philadelphia.

The proprietors of the shares who have neglected to pay the sum duly assessed thereon (TWENTY CENTS) by the action of the Board of Hirectors in pursuance of the terms of the Charter of this Company, are hereby requested to take notice that a sufficient number of shares to pay all assessments with necessary and incidental charges thereon, will be sold at public anction at the office of the Company, on Tues DAY Jane 5, at 12 M., 5 14 18t.

B. M. HUNSICKEE Treasur r. DIVIDEND THE DIRECTORS OF THE McElheny Oil Company have this day declar d a dividend of TWO PER CENT. on the capital stock (shalled), clear of State Tax, payable on and after first inst, at the office of the Company. No fils Walmut street. Transfer books will reopen on the 2nd instant CHARLES H. REEVES.

SPECIAL NOTICES.

TREASURY DEPARTMENT.

Notice is hereby given to holders of Certificates of Indebtedness, issued under acts of Congress approved Amich I and I7, 1862 that the Secretary of the Treasury, in accordance with said acts and the tenor of said Certificates, is prepared to redeem, before touturity, all Certificates of Indebteceness fail has use in June, July, or August, 1866 with accrued interest thereon I presented for tedemption on or before May 31, and that hereafter such Certificates will cause to bear interest, and will be paid on presentation at this Department, with interest only to the said Sist mst.

[Symed] Secre aty of the Treasury.

UNITED STATES TREASURY.

PRILADELPHIA. May 15 1896.

Certificates of Indebtedless, issued under Acts of Congress approved March ist and 17 h. 1892, and failing due in June, July, and August. 1896, with accrued interest thereon, will be paid upon presentation at this office the order of the accretary of the Treasury of the 2-d instant having been modified to that extent.

Assistant Treasurer United States,

FAIR TO SECURE A HOME FOR THE AGED AND INFIRM MEMBERS OF THE ME CHURCH.—The lades of EB NEZER M. F. CHURCH would respectful v solicit Donations in Money Flowers learning and Fancy Articles, it the above object. Donations may be sent to Mrs. It w. Sin pers. See 608 Catharine street Mrs. D. H. Bowen, No. 815 S. Second street: and Mrs. Charles Thompson, No. 116 S. Second street.

The Fair will be held at Concert Hall, commencing June 11, 1866.

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1EUMAS T. FIRTH,
Treasurer.

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lish Lecember, 18.5, will coase on and after the 3ist of
May, 1866, and that such Stockholders as do not demand
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CONGRESS HALL, CAPE ISLAND, N. J.,

Thursday, May 31, 1866.

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